

REMARKS

By the foregoing Amendment, Claims 1, 5, 6, 9, 13, 15 and 19 have been amended, and Claims 23-26 have been cancelled. Favorable reconsideration of the application is respectfully requested.

Claims 1-3, 5, 19-21 and 23-26 were rejected under 35 U.S.C. §103(a) on the grounds of obviousness from Pedersen in view of Verkler. Claims 23-26 have been cancelled. Pedersen (at column 2, lines 46-63, and column 5 line 17) was cited as disclosing a safety interlock system for a shield and auger. Verkler was cited as teaching an ice cream device with a pivotable receiving chamber. At column 2, lines 46-63, Pedersen discloses a safety apron 24, and at column 5, about line 17, Pedersen discloses "the movement being suitably covered by a safety apron or shield cooperating with the requisite control contacts or valves with a view to protecting the operator from contact with the rotating mixing rotor." The safety interlock system of the present invention is described in detail at page 12, line 5, to page 13, line 17. Claim 1 has been amended to recite "means for generating a rotation inhibition command signal when said receiving chamber is not in an upright, non-pivoted position, or said safety shield is not in said safeguard position, or said auger is not in said second lowered position" and "said electronic control system receiving said rotation inhibition command signal, and said electronic control system being operative to inhibit rotation of said auger in response to said rotation inhibition command signal." Claim 19 has been similarly amended to recite "generating a rotation inhibition command signal when said receiving chamber is not in an upright, non-pivoted position, or said safety shield is not in said safeguard position, or

said auger is not in said second lowered position, said electronic control system receiving said rotation inhibition command signal, and said electronic control system inhibiting rotation of said auger in response to said rotation inhibition command signal." It is respectfully submitted that Pedersen and Verkler, either taken separately or in combination, do not teach, disclose or suggest a means for generating a rotation inhibition command signal when a receiving chamber is not in an upright, non-pivoted position, or a safety shield is not in a safeguard position, or an auger is not in a lowered position, and an electronic control system receiving the rotation inhibition command signal and inhibiting rotation of the auger in response to the rotation inhibition command signal, as is claimed.

Claim 5 has also been amended to recite "means for generating a rotation command signal when said receiving chamber is in an upright, non-pivoted position, and said safety shield is in said safeguard position, and said auger is in said second lowered position; said electronic control system receiving said rotation command signal, and said electronic control system being enabled to initiate rotation of said auger in response to said rotation command signal." It is respectfully submitted that Pedersen and Verkler, either taken separately or in combination, do not teach, disclose or suggest a means for generating a rotation command signal when a receiving chamber is in an upright, non-pivoted position, and a safety shield is in a safeguard position, and an auger is in a lowered position; and an electronic control system receiving the rotation command signal, and the electronic control system being enabled to initiate rotation of the auger in response to the rotation command signal, as is claimed. Claim 19 has also been similarly

amended to recite "generating a rotation command signal when said receiving chamber is in an upright, non-pivoted position, and said safety shield is in said safeguard position, and said auger is in said second lowered position; said electronic control system receiving said rotation command signal, and said electronic control system being enabled to initiate rotation of said auger in response to said rotation command signal." It is therefore respectfully submitted that Claims 1-3, 5 and 19-21 are novel and inventive over Pedersen and Verkler, and that the rejection of Claims 1-3, 5, 19-21 and 23-26 on the grounds of obviousness from Pedersen in view of Verkler should be withdrawn.

Claims 4, 13-16 and 18 were rejected under 35 U.S.C. §103(a) on the grounds of obviousness from Pedersen in view of Verkler, and further in view of Hansen Sr., which was cited as teaching an ice cream device comprising a programmable electronic control unit with microelectronics for both manual and automatic control of vertical movement, switches, lamps, motors, control valves, sensors and a timer. Claim 4 depends from Claim 1, and Claim 18 depends from Claim 13, which has been amended to recite "means for generating a rotation inhibition command signal when said receiving chamber is not in an upright, non-pivoted position, or said safety shield is not in said safeguard position, or said auger is not in said second lowered position, said control system receiving said rotation inhibition command signal, and said control system being operative to inhibit rotation of said auger in response to said rotation inhibition command signal." It is respectfully submitted that Pedersen, Verkler and Hansen Sr., either taken separately or in combination, fail to disclose, teach or suggest a means for generating a rotation inhibition command signal when a receiving chamber is not in an upright, non-pivoted

position, or a safety shield is not in a safeguard position, or an auger is not in a lowered position, and an electronic control system receiving the rotation inhibition command signal and inhibiting rotation of the auger in response to the rotation inhibition command signal, as is claimed. Claim 15 has also been amended to recite "means for generating a rotation command signal when said receiving chamber is in an upright, non-pivoted position, and said safety shield is in said safeguard position, and said auger is in said second lowered position; said control system receiving said rotation command signal, and said control system being enabled to initiate rotation of said auger in response to said rotation command signal." It is respectfully submitted that Pedersen, Verkler and Hansen Sr., either taken separately or in combination, do not teach, disclose or suggest a means for generating a rotation command signal when a receiving chamber is in an upright, non-pivoted position, and a safety shield is in a safeguard position, and an auger is in a lowered position; and an electronic control system receiving the rotation command signal, and the electronic control system being enabled to initiate rotation of the auger in response to the rotation command signal, as is claimed. It is therefore respectfully submitted that Claims 4, 13-16 and 18 are novel and inventive over Pedersen, Verkler and Hansen Sr., and that the rejection of Claims 4, 13-16 and 18 on the grounds of obviousness from Pedersen in view of Verkler, and further in view of Hansen Sr. should be withdrawn.

Claims 6 and 22 were rejected under 35 U.S.C. §103(a) on the grounds of obviousness from Pedersen in view of Verkler, and further in view of Heinhold et al. and Williams. Heinhold et al. was cited as teaching an ice cream machine with nozzles for

emitting cleaning fluid, and Williams was cited as teaching a mixing device comprising an auger with holes that emit cleaning fluid. Claim 6 has been amended to recite "means for generating a rotation inhibition command signal when said receiving chamber is not in an upright, non-pivoted position, or said safety shield is not in said safeguard position, or said auger is not in said second lowered position, said electronic control system receiving said rotation inhibition command signal, and said electronic control system being operative to inhibit rotation of said auger in response to said rotation inhibition command signal." It is respectfully submitted that Pedersen, Verkler, Heinhold et al. and Williams do not teach, disclose or suggest a means for generating a rotation inhibition command signal when a receiving chamber is not in an upright, non-pivoted position, or a safety shield is not in a safeguard position, or an auger is not in a lowered position, an electronic control system receiving the rotation inhibition command signal, and the electronic control system being operative to inhibit rotation of the auger in response to the rotation inhibition command signal, as is recited in Claim 6. Claim 22 depends from Claim 19, which recites "generating a rotation inhibition command signal when said receiving chamber is not in an upright, non-pivoted position, or said safety shield is not in said safeguard position, or said auger is not in said second lowered position, said electronic control system receiving said rotation inhibition command signal, and said electronic control system inhibiting rotation of said auger in response to said rotation inhibition command signal; generating a rotation command signal when said receiving chamber is in an upright, non-pivoted position, and said safety shield is in said safeguard position, and said auger is in said second lowered position; said electronic control system

receiving said rotation command signal, and said electronic control system being enabled to initiate rotation of said auger in response to said rotation command signal." It is respectfully submitted that Pedersen, Verkler, Heinhold et al. and Williams do not teach, disclose or suggest generating a rotation inhibition command signal when a receiving chamber is not in an upright, non-pivoted position, or a safety shield is not in a safeguard position, or an auger is not in a lowered position, an electronic control system receiving the rotation inhibition command signal, and the electronic control system being operative to inhibit rotation of the auger in response to the rotation inhibition command signal; as well as generating a rotation command signal when the receiving chamber is in an upright, non-pivoted position, and the safety shield is in the safeguard position, and the auger is in the lowered position, with the electronic control system receiving the rotation command signal, and the electronic control system being enabled to initiate rotation of the auger in response to the rotation command signal, as is recited in Claim 19. It is therefore respectfully submitted that Claims 6 and 22 are novel and inventive over Pedersen, Verkler, Heinhold et al. and Williams, and that the rejection of Claims 6 and 22 on the grounds of obviousness from Pedersen in view of Verkler, and further in view of Heinhold et al. and Williams should be withdrawn.

Claims 7-9 and 11-12 were rejected under 35 U.S.C. §103(a) on the grounds of obviousness from Pedersen in view of Verkler, Heinhold et al. and Williams, and further in view of Hansen Sr. Claims 7-9 and 11-12 depend from Claim 6, which has been amended to recite "means for generating a rotation inhibition command signal when said receiving chamber is not in an upright, non-pivoted position, or said safety shield is not in

said safeguard position, or said auger is not in said second lowered position, said electronic control system receiving said rotation inhibition command signal, and said electronic control system being operative to inhibit rotation of said auger in response to said rotation inhibition command signal." It is respectfully submitted that Pedersen, Verkler, Heinhold et al., Williams and Hansen Sr., either taken separately or in combination, do not teach, disclose or suggest a means for generating a rotation inhibition command signal when a receiving chamber is not in an upright, non-pivoted position, or a safety shield is not in a safeguard position, or an auger is not in a lowered position, an electronic control system receiving the rotation inhibition command signal, and the electronic control system being operative to inhibit rotation of the auger in response to the rotation inhibition command signal, as is recited in Claim 6. It is therefore respectfully submitted that Claims 7-9 and 11-12 are novel and inventive over Pedersen, Verkler, Heinhold et al., Williams and Hansen Sr., and that the rejection of Claims 7-9 and 11-12 on the grounds of obviousness from Pedersen in view of Verkler, Heinhold et al. and Williams, and further in view of Hansen Sr. should be withdrawn.

Claim 17 was rejected under 35 U.S.C. §103(a) on the grounds of obviousness from Pedersen in view of Verkler and Hansen Sr., and further in view of Neilson, which was cited as disclosing an ice cream device with a stepper motor. Claim 17 depends from Claim 13, which has been amended to recite "means for generating a rotation inhibition command signal when said receiving chamber is not in an upright, non-pivoted position, or said safety shield is not in said safeguard position, or said auger is not in said second lowered position, said control system receiving said rotation inhibition command signal,

and said control system being operative to inhibit rotation of said auger in response to said rotation inhibition command signal." It is respectfully submitted that Pedersen, Verkler, Hansen Sr. and Neilson, either taken separately or in combination, fail to disclose, teach or suggest a means for generating a rotation inhibition command signal when a receiving chamber is not in an upright, non-pivoted position, or a safety shield is not in a safeguard position, or an auger is not in a lowered position, and an electronic control system receiving the rotation inhibition command signal and inhibiting rotation of the auger in response to the rotation inhibition command signal, as is claimed. It is therefore respectfully submitted that Claim 17 is novel and inventive over Pedersen, Verkler, Hansen Sr. and Neilson, and that the rejection of Claim 17 on the grounds of obviousness from Pedersen in view of Verkler and Hansen Sr., and further in view of Neilson should be withdrawn.

Applicant has reviewed the additional prior art made of record and not relied upon, and it is believed that the additional prior art made of record and not relied upon is no more pertinent than the references actually applied.

In light of the foregoing amendments and remarks, it is respectfully submitted that the application should now be in condition for allowance, and an early favorable action in this regard is respectfully requested.

Respectfully submitted,

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